

## **AGENDA**

### **Administrative Committee Meeting**

**July 18, 2007**

**1:00 p.m.**

#### **Location**

**SANBAG**

*Super Chief Conference Room*

1170 W. 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor

San Bernardino, CA

### ***Administrative Committee Membership***

#### **Chair – SANBAG Vice President**

Supervisor Gary Ovitt  
County of San Bernardino

#### **SANBAG President**

Mayor Lawrence Dale  
City of Barstow

#### **SANBAG Past President**

Supervisor Dennis Hansberger  
County of San Bernardino

#### **Mt./Desert Representatives**

Mayor Rick Roelle  
Town of Apple Valley

Council Member Kevin Cole  
City of Twentynine Palms

Supervisor Brad Mitselfelt  
County of San Bernardino

#### **East Valley Representatives**

Council Member Bea Cortes  
City of Grand Terrace

Mayor Bob Christman  
City of Loma Linda

Supervisor Josie Gonzales  
County of San Bernardino

#### **West Valley Representatives**

Mayor Gwenn Norton-Perry  
City of Chino Hills

Mayor Paul Eaton  
City of Montclair

Supervisor Paul Biane  
County of San Bernardino

*San Bernardino Associated Governments (SANBAG) is a council of governments formed in 1973 by joint powers agreement of the cities and the County of San Bernardino. SANBAG is governed by a Board of Directors consisting of a mayor or designated council member from each of the twenty-four cities in San Bernardino County and the five members of the San Bernardino County Board of Supervisors.*

*In addition to SANBAG, the composition of the SANBAG Board of Directors also serves as the governing board for several separate legal entities listed below:*

***The San Bernardino County Transportation Commission**, which is responsible for short and long range transportation planning within San Bernardino County, including coordination and approval of all public mass transit service, approval of all capital development projects for public transit and highway projects, and determination of staging and scheduling of construction relative to all transportation improvement projects in the Transportation Improvement Program.*

***The San Bernardino County Transportation Authority**, which is responsible for administration of the voter-approved half-cent transportation transactions and use tax levied in the County of San Bernardino.*

***The Service Authority for Freeway Emergencies**, which is responsible for the administration and operation of a motorist aid system of call boxes on State freeways and highways within San Bernardino County.*

***The Congestion Management Agency**, which analyzes the performance level of the regional transportation system in a manner which ensures consideration of the impacts from new development and promotes air quality through implementation of strategies in the adopted air quality plans.*

***As a Subregional Planning Agency**, SANBAG represents the San Bernardino County subregion and assists the Southern California Association of Governments in carrying out its functions as the metropolitan planning organization. SANBAG performs studies and develops consensus relative to regional growth forecasts, regional transportation plans, and mobile source components of the air quality plans.*

*Items which appear on the monthly Board of Directors agenda are subjects of one or more of the listed legal authorities. For ease of understanding and timeliness, the agenda items for all of these entities are consolidated on one agenda. Documents contained in the agenda package are clearly marked with the appropriate legal entity.*

**San Bernardino Associated Governments  
County Transportation Commission  
County Transportation Authority  
Service Authority for Freeway Emergencies  
County Congestion Management Agency**

**AGENDA**

**Administrative Committee Meeting**

**July 18, 2007**

**1:00 p.m.**

**Location:** SANBAG, Super Chief Conference Room, 1170 W. 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor,  
San Bernardino

CALL TO ORDER 1:00 p.m.  
(Meeting Chaired by Gary Ovitt)

- I. Attendance
- II. Announcements
- III. Agenda Notices/Modifications – Anna Aldana

- 1. **Possible Conflict of Interest Issues for the Administrative Committee Meeting July 18, 2007.** Pg. 5

Note agenda item contractors, subcontractors and agents which may require member abstentions due to conflict of interest and financial interests. Board Member abstentions shall be stated under this item for recordation on the appropriate item.

**Consent Calendar**

Consent Calendar items shall be adopted by a single vote unless removed by member request.

**Administrative Matters**

- 2. **Attendance Register** Pg. 6  
A quorum shall consist of a majority of the membership of each SANBAG Policy Committee, except that all County Representatives shall be counted as one for the purpose of establishing a quorum.
- 3. **Procurement Report for June 2007** Pg. 8  
Receive Monthly Procurement Report.  
**Terrence J. McGuire**

**Notes/Actions**

## Discussion Items

### Administrative Matters

4. **Request for Proposal (RFP 08-059) for Third Party Administrator Services** Pg. 10

Authorization and approval to release RFP 08-059 for SANBAG Third Party Administrator (TPA) Services.  
**Terrence J. McGuire**

5. **Policy relative to Retirement Medical Trust Plan** Pg. 17

1. Approve SANBAG Policy 10112 establishing provisions of SANBAG participation in the San Bernardino County Retirement Medical Trust Plan, and

2. Approve amendment to SANBAG Policy 10111 deleting provisions relative to cash out of accrued sick leave.  
**Deborah Barmack**

6. **Approval of lease for Copier/Printer Equipment** Pg. 23

1. Approve Purchase Order No. 08086 with Xerox Corporation for a five- year lease of equipment in the amount of \$196,198 (\$39,240 annually) as specified in the Financial Impact section below. **Deborah Barmack**

### Project Development

7. **2007/2008 Budget Amendments addressing SAFETEA-LU Fund Exchange with the Inland Valley Development Agency (IVDA)** Pg. 29

Approve Amendments to the SANBAG 2007/2008 Budget increasing revenues and expenditures as follows:

1. Increase revenues and expenditures in Task 82408000, Cost Code 5554 in amount of \$3,206,937. Revenue Source is Measure I Valley Major Projects fund balance; and

2. Increase revenues and expenditures in Task 83808000, Cost Code 5011 in the amount of \$20,400,063. Revenue Source is Measure I Valley Major Projects fund balance.

**Darren Kettle**

**Discussion Items (Continued)****Transportation Programs & Fund Admin.****8. Population Estimate used to determine the Pg. 50  
Apportionment of Local Transportation Funds (LTF)**

Beginning with Fiscal Year 2008/2009, either

1. Continue the use of the January State Controller's Population Estimate for the Apportionment of the LTF; or

2. Use the prior year January Department of Finance Population Estimate for the Apportionment of the LTF; and/or

3. Update the LTF Apportionment adopted using either the State Controller's January Population Estimate or prior year Department of Finance January Population Estimate with current year Department of Finance January Population Estimate when it becomes available. **Mike Bair**

**Comments from Committee Members****Public Comment****ADJOURNMENT****Additional Information****Acronym List****Pg. 55**

Complete packages of the SANBAG agenda are available for public review at the SANBAG offices. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

### **Meeting Procedures**

The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees.

### **Accessibility**

The SANBAG meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk's telephone number is (909) 884-8276 and office is located at 1170 W. 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor, San Bernardino, CA.

**Agendas** – All agendas are posted at 1170 W. 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor, San Bernardino at least 72 hours in advance of the meeting. Complete packages of this agenda are available for public review at the SANBAG offices and our website: [www.sanbag.ca.gov](http://www.sanbag.ca.gov). Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

**Agenda Actions** – Items listed on both the "Consent Calendar" and "Items for Discussion" contain suggested actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken by two-thirds vote of the Board of Directors.

**Closed Session Agenda Items** – Consideration of closed session items *excludes* members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Chair will announce the subject matter of the closed session. If action is taken in closed session, the Chair may report the action to the public at the conclusion of the closed session.

**Public Testimony on an Item** – Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should complete a "Request to Speak" form, provided at the rear of the meeting room, and present it to the Clerk prior to the Board's consideration of the item. A "Request to Speak" form must be completed for *each* item an individual wishes to speak on. When recognized by the Chair, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The Chair or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

**Agenda Times** – The Board is concerned that discussion take place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

**Public Comment** – At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject within the Board's authority. *Matters raised under "Public Comment" may not be acted upon at that meeting. "Public Testimony on any Item" still apply.*

**Disruptive Conduct** – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Board from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for meetings. Your cooperation is appreciated!*

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority  
 ■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

## *Minute Action*

AGENDA ITEM: 1

**Date:** July 18, 2007

**Subject:** Information Relative to Possible Conflict of Interest

**Recommendation\*:** Note agenda items and contractors/subcontractors which may require member abstentions due to possible conflicts of interest.

**Background:** In accordance with California Government Code 84308, members of the Board of Directors may not participate in any action concerning a contract where they have received a campaign contribution of more than \$250 in the prior twelve months from an entity or individual. This agenda contains recommendations for action relative to the following contractors:

Item No.	Contract No.	Contractor/Agents	Subcontractors
6	08086	Xerox Corporation Phillipa Riley	N/A

**Financial Impact:** This item has no direct impact on the 2007/2008 Budget.

**Reviewed By:** This item is prepared monthly for review by the Board of Directors and policy committee members.

**Responsible Staff:** Deborah Barmack, Director of Management Services

<p style="text-align: center;">*</p>		<p style="text-align: center;"><i>Approved</i>  <i>Administrative Committee</i></p> <p>Date: _____</p> <p>Moved: _____ Second: _____</p> <p>In Favor: _____ Opposed: _____ Abstained: _____</p> <p>Witnessed: _____</p>
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# ADMINISTRATIVE COMMITTEE ATTENDANCE RECORD - 2007

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
<b>Paul Biane</b> Board of Supervisors	X	X	X		X	X						
<b>Robert Christman</b> City of Loma Linda	X	X		X	X	X						
<b>Kevin Cole</b> City of Twentynine Palms	X	X	X	X	X	X						
<b>Bea Cortes</b> City of Grand Terrace	X	X	X	X	X							
<b>Lawrence Dale</b> City of Barstow	X	X	X	X	X	X						
<b>Paul Eaton</b> City of Montclair		X		X	X	X						
<b>Josie Gonzales</b> Board of Supervisors	X		X	X	X							
<b>Dennis Hansberger</b> Board of Supervisors	X	X		X	X							
<b>Brad Mitzelfelt</b> Board of Supervisors	X	X		X								
<b>Gary Ovitt</b> Board of Supervisors	X	X	X	X		X						
<b>Gwenn Norton-Perry</b> City of Chino Hills		X	X	X	X							
<b>Rick Roelle</b> Town of Apple Valley	X	X	X		X	X						

X = Member attended meeting.

\* = Alternate member attended meeting. Empty box = Member did not attend meeting

Crossed out box = Not a member at the time.

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# ADMINISTRATIVE COMMITTEE ATTENDANCE ROSTER - 2006

Name	Jan	Feb	March	April	May	June	July*	Aug	Sept	Oct	Nov	Dec
Paul Biane		X		X	X			X		X		
Kelly Chastain	X	X	X	X	X							
Robert Christman	X	X	X	X	X	X		X		X	X	X
Bea Cortes	X	X	X	X		X		X	X	X	X	X
Paul Eaton	X	X			X			X	X	X	X	X
Josie Gonzales	X					X		X	X			
James Lindley	X			X	X	X		X	X	X		
Dennis Hansberger	X	X	X	X		X			X	X	X	X
Darrell Mulvihill								X				
Gary Ovitt	X	X							X	X	X	X
Gwenn Norton-Perry		X		X		X		X		X	X	X
Bill Postmus								X	X			
Rick Roelle	X	X	X	X	X			X			X	

The crossed-out boxes indicate members who were not on the committee as of that month.

The empty boxes indicate member who did not attend the meeting that month.

\*The Administrative Committee did not meet in July.

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority  
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

## *Minute Action*

AGENDA ITEM: 3

*Date:* July 18, 2007

*Subject:* Procurement Report for June 2007

*Recommendation:*\* Receive Monthly Procurement Report.

*Background:* The Board of Directors approved the Contracting and Procurement Policy (Policy No. 11000) on January 3, 1997. The Executive Director, or his designee, is authorized to approve Purchase Orders up to an amount of \$25,000. All procurements for supplies and services approved by the Executive Director, or his designee, in excess of \$5,000 shall be routinely reported to the Administrative Committee and to the Board of Directors.

Attached are the purchase orders in excess of \$5,000 to be reported to the Administrative Committee for the month of June 2007.

*Financial Impact:* This item imposes no impact on the FY 2006/2007 Budget. Presentation of the monthly procurement report will demonstrate compliance with the Contracting and Procurement Policy (Policy No. 11000).

*Reviewed By:* This item is scheduled for review by the Administrative Committee on July 18, 2007.

*Responsible Staff:* Terrence J. McGuire, Chief Financial Officer

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*Approved*  
*Administrative Committee*

*Date:* \_\_\_\_\_

*Moved:* \_\_\_\_\_ *Second:* \_\_\_\_\_

*In Favor:* \_\_\_\_\_ *Opposed:* \_\_\_\_\_ *Abstained:* \_\_\_\_\_

*Witnessed:* \_\_\_\_\_

**PURCHASE ORDERS ISSUED FOR JUNE 2007**

P.O. #	Vendor	Purpose	Sole Source Y/N	Amount
07260	National Event Services	Porta-potties for 210 Freeway Event	Y	\$ 9,429.20
07261	Ajilon Finance	Temporary Svcs. For Vacancy in Finance	N	22,016.00
07264	Yes Signs & Banners	Sign & Banners for 210 Freeway Event	Y	8,082.25
07267	Studio 33	Rental Equipment for 210 Freeway Event	Y	7,939.00
07277	TH Enterprises, Inc.	Network Server	N	10,610.00
07278	TH Enterprises, Inc.	Computer Workstations	N	21,623.25
		TOTAL PURCHASE ORDERS ISSUED		\$79,699.70

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority  
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

### *Minute Action*

AGENDA ITEM: 4

**Date:** July 18, 2007

**Subject:** Request for Proposal (RFP 08-059) for Third Party Administrator Services

**Recommendation:**\* Authorization and approval to release RFP 08-059 for SANBAG Third Party Administrator (TPA) Services.

**Background:** Crawford Technical Services has been the SANBAG TPA since 2002. SANBAG did not have a TPA prior to 2002. The TPA was hired based upon the recommendation of Marsh Risk Management Services (the SANBAG insurance broker) and the General Liability insurance carriers when SANBAG reduced the Self Insured Retention for its policies from \$200,000 to \$50,000. The TPA advises SANBAG on the disposition of claims under the policies.

Pursuant to policy direction, SANBAG has required that this type of contract be awarded on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services at a fair and reasonable price to SANBAG. Such selection shall take into consideration prior experience of the firm and/or representatives, understanding of work to be completed, knowledge of the working environment, and particular skills and expertise of the firm and/or representatives proposed for the function.

Included in the agenda packet is a copy of the RFP for the Third Party Administrator services. The RFP defines the schedule for the selection process, the purpose of the request and the evaluation process and a list of issues expected to be addressed in the response.

*Approved*  
*Administrative Committee*

*Date:* \_\_\_\_\_

*Moved:* \_\_\_\_\_ *Second:* \_\_\_\_\_

*In Favor:* \_\_\_\_\_ *Opposed:* \_\_\_\_\_ *Abstained:* \_\_\_\_\_

*Witnessed:* \_\_\_\_\_

Admin Agenda Item  
July 18, 2007  
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*Financial Impact:* There is no financial impact of this item at this time.

*Reviewed By:* This item is scheduled for review by the Administrative Committee on July 18, 2007.

*Responsible Staff:* Terrence J. McGuire, Chief Financial Officer

**San Bernardino County Transportation Authority**  
**Request for Proposal No. 08-059**  
**Third Party Administrator (TPA) Services**

**I. Introduction**

On November 7, 1989, the voters of San Bernardino County approved Measure I, authorizing a ½% sales tax for transportation purposes for 20 years. The original estimates were that the funding for this twenty-year program would amount to over \$1.8 billion. In 2004, the voters approved an extension of Measure I for 30 years to 2040. The legislation provides for the San Bernardino County Transportation Authority (the Authority) to administer these funds. The Authority is composed of twenty-nine member board representing the cities of Adelanto, Barstow, Big Bear Lake, Chino, Chino Hills, Colton, Fontana, Grand Terrace, Hesperia, Highland, Loma Linda, Montclair, Needles, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Twentynine Palms, Upland, Victorville, and Yucaipa; the Towns of Apple Valley and of Yucca Valley; the San Bernardino County Board of Supervisors; an appointee from the Governor (Caltrans).

San Bernardino Associated Governments (SANBAG) is the umbrella joint powers agency where the Board of Directors also serves as the County Transportation Commission, the County Transportation Authority, the County Congestion Management Agency, and the Service Authority for Freeway Emergencies. Proposers should understand that for insurance purposes the organization, by whatever name, is essentially one and the same.

Marsh Risk Management Services has been the Authority's broker since 2001. HRH was recently hired to serve as the SANBAG insurance broker. Crawford Technical Services is the current SANBAG Third Party Administrator (TPA) and has served in that position since 2002. The Authority's renewal date for all policies is December 1, 2007.

This Request for Proposal (RFP) describes the Authority's needs for TPA services. It is organized into the following sections:

- I. Introduction
- II. Purpose of the Request
- III. Evaluation Process
- IV. Selection Timetable
- V. Scope of Service
- VI. Format for Proposals
- VII. Award of the Contract

## **II. Purpose of the Request**

### **A. General Statement**

SANBAG is inviting proposals for TPA services. The successful firm will assume responsibility for advising SANBAG on General Liability insurance claims and administer the self insured retention associated with such claims.

## **III. Evaluation Process**

### **A. General Description**

1. Firms are requested to respond to this solicitation in the manner more fully described in Section V below.
2. SANBAG and local agency staff will review and evaluate the responses received against the evaluation criteria listed below.
3. The firms will be short listed by SANBAG and related agency staff members.

### **B. Evaluation Criteria**

The following criteria will be considered in evaluating the responses received:

1. Qualification and experience of the firm. This will be evaluated based on the breadth and depth of the firm's experience as a whole in the performance of comparable TPA services assignments.
2. Qualification and experience of the individuals to perform the work. This will be based on the resume of the individual(s) who will actually oversee and perform the work, especially those senior staff committed to participation in the work.
3. Organization of the work and management plan. This will be based on the proposed approach to organizing, managing, and implementing the necessary task.
4. Demonstrated understanding of SANBAG's needs and proposed method of approach.
5. References for comparable current or past assignments. This will be based on references from several clients where comparable work was performed.

6. Actual or Potential Conflict of Interest. This will be based on an assessment of the firms' client list and the extent to which the firm may represent transportation related entities whose interests may conflict with the Authority's.
7. Record of performance and demonstrated ability to produce quality work and meet schedules.
8. Fee proposal, based upon hourly rates and expense reimbursement.
9. Office location and available resources.

#### **IV. Selection Timetable**

The following timetable will apply to this RFP.

<u>Item</u>	<u>Date</u>
Release RFP	August 2, 2007
Proposals Due – 3:00 pm	August 24, 2007
Determination of Short List	August 27 - 31, 2007
Interviews	September 12 -13, 2007
Recommendation to Administrative Committee	October 10, 2007
Administrative Committee recommendation to the Board of Directors	November 7, 2007

#### **V. Scope of Services**

Once the firm has been selected, they will be responsible for providing comprehensive claim management services primarily in the areas of Comprehensive General Liability and Property coverage areas.

#### **VI. Format for Proposals**

- A. Letter of Transmittal
- B. Executive summary
- C. Table of Contents
- D. General Information

A discussion of the firm including location of company headquarters, any branch offices, number of years in business and organization, and staff's qualification including relevant experience. Please include the name of the individual(s) assigned to this account along with a summary of their background.

Provide information that will address each of the topics listed as evaluation criteria in section III B above.



In addition to the information above, please address the following:

1. Describe your company's philosophy/approach to providing comprehensive claim management services.
2. What distinguishes your firm's claim administration capabilities from your competitors in the industry?
3. In addition to your fee proposal, please provide a list of additional charges not included with the proposed pricing/cost quote. Outline the scope of services to be included within your proposed pricing and those billed as allocated charges to the claim file (i.e. "index" searches, SIU fees, medical management fees, and legal expenses). Please state whether you will charge any overhead fees on services provided by companies other than yours and how such fees will be determined.
4. Describe how you would propose to handle the transition of services to your company.
5. Provide specific information on your RMIS systems as it may apply to this assignment.

E. References-

Identify the number of public agencies for which your firm currently provides TPA services. Provide a minimum five references of current similar engagements with other agencies (preferably governmental, including individuals whom we may contact for reference).

F. Submission of Proposals-

The offeror shall submit five copies of its proposal to:

Mr. Terrence J. McGuire  
Chief Financial Officer  
San Bernardino Associated Governments  
1170 West 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor  
San Bernardino, CA 92410-1715

Proposals must be received at the above address no later than 3:00 p.m. on August 24, 2007. Faxes will not be accepted. Proposals or proposal modifications will not be accepted after the closing date.

Any inquiries concerning this RFP should be made to Mr. Terrence J. McGuire, Chief Financial Officer, (909) 884-8276, ext. 124.

No contacts of any kind shall be made with Board members, their staffs, or the Authority staff other than as provided above. It is intended that the selection shall be made on merit alone within the process set forth. Violation of this condition shall be cause for immediate termination of the proposal.

**VII. Award of Contract**

SANBAG reserves the right to reject any and all proposals. Award of the TPA services contract will be made to the firm, in the sole opinion of SANBAG which will provide the best service, and best meets the needs of the SANBAG.

The terms and conditions of the work shall be set forth in a final TPA services contract. The engagement shall be for three years with two one-year options that can be exercised only by written amendment.

## *Minute Action*

AGENDA ITEM: 5

**Date:** July 18, 2007

**Subject:** Policy relative to Retirement Medical Trust Plan

**Recommendation:** \*

1. Approve SANBAG Policy 10112 establishing provisions of SANBAG participation in the San Bernardino County Retirement Medical Trust Plan, and
2. Approve amendment to SANBAG Policy 10111 deleting provisions relative to cash out of accrued sick leave.

**Background:** On April 4, 2007, the Board approved SANBAG participation in the San Bernardino County Retirement Medical Trust Plan and requested that the Board of Supervisors approve participation by SANBAG. On July 17, 2007, SANBAG participation in the Plan was approved by the San Bernardino County Board of Supervisors.

This item seeks approval of SANBAG Policy 10112, which outlines provisions of participation as presented in April 2007 and as amended into the Plan by Board of Supervisors action. Under the Plan, SANBAG will contribute .5% of salary to the Retirement Medical Trust account of employees who have completed ten years of service. Upon retirement or separation, payment for unused accrued sick leave will be deposited into the trust account. Proceeds in the trust account can only be expended for medical expenses upon retirement or separation and are tax free at the time of deposit and expenditure.

\*

*Approved  
Administrative Committee*

*Date:* \_\_\_\_\_

*Moved:*

*Second:*

*In Favor:*

*Opposed:*

*Abstained:*

*Witnessed:* \_\_\_\_\_

Administrative Committee Agenda Item

July 18, 2007

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This item also recommends amendment to SANBAG Policy 10111 to delete prior provisions for cash out of unused accrued sick leave after ten years of service with SANBAG.

***Financial Impact:*** There are no financial impacts resulting from approval of these policies. Financial impacts of participation in the Retirement Medical Trust Plan were considered and approved by the Board action of April 4, 2007.

***Reviewed By:*** This item is scheduled for review by the Administrative Committee on July 18, 2007, and has been submitted to SANBAG Counsel for review.

***Responsible Staff:*** Deborah Robinson Barmack  
Director of Management Services

San Bernardino Associated Governments	<b>Policy</b>	<b>10112</b>
Adopted by the Board of Directors April 3, 1991	Revised	7/11/07
<b>Retirement Medical Trust Fund</b>	Revision No.	New

#### Table of Contents

| Purpose | Authorization | References | Definitions | Retirement Medical Trust Fund | Revision History |

### I. PURPOSE

Participation in the Retirement Medical Trust Fund has been approved to assist eligible employees with the high cost of medical and dental expenses upon retirement. The purpose of this policy is to establish guidance for participation in the Retirement Medical Trust Fund.

### II. AUTHORIZATION

On April 4, 2007, the SANBAG Board of Directors approved SANBAG participation in the San Bernardino County Retirement Medical Trust Plan. The Board of Supervisors approved participation by San Bernardino Associated Governments effective July 7, 2007.

### III. REFERENCES

Policy 10111, Work Hours, Leaves, Absences

### IV. DEFINITIONS

**Note:** Refer to Policy 10111 for definition of Sick Leave Accrual

### V. RETIREMENT MEDICAL TRUST FUND PLAN

The Retirement Medical Trust Fund has been established for employees with ten (10) or more years of participation in the San Bernardino County Employees' Retirement Association (SBCERA).

- A. Eligibility.** After ten (10) or more years of participation in the San Bernardino County Employee's Retirement Association (SBCERA), employees may participate in the Retirement Medical Trust Plan operating at the County of San Bernardino. Participation in other public sector retirement systems may also be counted toward the 10-year requirement provided the employee has not withdrawn his/her contributions from the system(s) and the employee is also a participant in SBCERA. Employees who wish to receive credit for participation in other public retirement systems must provide written evidence of participation and evidence that contributions made to the system(s) have not been withdrawn.
- B. Administration.** The Trust is a Voluntary Employee Benefit Association (VEBA) and will comply with all provisions of Section 501(c) (9) of the Internal Revenue Code. The Trust is administered by a Board of Trustees, who manages resource of the Trust and who determines applicable administrative fees for managing the trust fund. The Trustees will insure that payments of qualified medical expenses incurred by retirees or their eligible dependents will be appropriately reimbursed. The Trust will establish individual

account for each participant which will be credited with interest earnings/losses based on the investment performance of the participant's individual account. All of the contributions to the Trust Fund will be treated for tax purposes as employer, non-elective contributions resulting in tax-free contributions and earnings for the participant and tax-free contributions for SANBAG. All of the distributions from the Trust Fund made to retirees or their eligible dependents for the reimbursement of qualified medical expenses as defined by the Internal Revenue Codes (including medical insurance payments) will also be non-taxable to the retiree or the retiree's eligible dependent(s).

### C. Components of the Plan

1. The plan provides for a personal trust account to be established for each eligible employee for payments of qualified medical expenses incurred by the retiree or his/her eligible dependents. The provisions of the plan have two main components:

- (a) SANBAG contributes one-half of one percent (.5%) of an eligible employee's biweekly salary to the Trust for the employee's Retirement Medical Trust account.
- (b) At separation from SANBAG for reasons other than death, all eligible employees will be required to contribute the cash value of their unused sick leave balances to the Trust in accordance with the conditions described below:

Amount of Remaining Sick Leave	Cash Value Formula
001 to 399 Hours	40%
400 to 600 Hours	50%
601 to 800 Hours	60%
801 to 1,400 Hours	75%

2. All contributions to the Retirement Medical Trust are tax free at the time of deposit and withdrawal. Expenditures from the account are limited to medical expenses only and can only be made upon retirement or separation. The Trust account is self-directed by the employee and managed by a third party administrator, paid from participant contributions.

**D. Retirement or Separation.** Employees who hold regular positions at SANBAG and who have contributed to the SBCERA retirement system or other public entity retirement system for more than ten (10) years and have not withdrawn the contributions from the system(s), and who separate from SANBAG service for reason other than death shall receive compensation in accordance with the provisions of the Retirement Medical Trust Fund.

**E. Death.** For employees with (10) years of continuous service from date of hire in a regular position, upon death while in SANBAG service, the estate of a deceased employee will be paid for unused sick leave balances according to the following formula:

Sick Leave Balances as of Date of Separation	Cash Payment % of Hours of Sick Leave Balance
480 Hours or less	30%
481 to 600 Hours	35%
601 to 720 Hours	40%
721 to 840 Hours	45%
841 to 1000 Hours	50%

### VI. REVISION HISTORY

San Bernardino Associated Governments	Policy	10111
Adopted by the Board of Directors April 3, 1991	Revised	7/11/07 9/13/06
Work Hours, Leaves, and Absences	Revision No.	8 7

#### Table of Contents

[Purpose](#) | [Authorization](#) | [References](#) | [Definitions](#) | [Work Standards](#) | [Vacation Leave](#) | [Sick Leave](#) | [Medical Emergency Leave](#) | [Administrative Leave](#) | [Holiday Leave](#) | [Pregnancy Disability Leave](#) | [Family Medical Leave](#) | [Blood Donor Leave](#) | [Jury Duty and Witness Leave](#) | [Military Leave](#) | [Special Leave](#) | [Unauthorized Absence](#) | [Revision History](#)

## I. PURPOSE

The purpose of this policy is to establish standards for work hours, leaves, and absences.

## II. AUTHORIZATION

The Executive Director is authorized to implement and interpret this policy on behalf of the agency. The agency will follow all current Fair Labor Standards Act and all applicable California laws related to employee work hours and compensation.

## III. REFERENCES

[Policy 10107, Compensation Administration](#)

[Policy 10110, Employment Status and Classification](#)

[Policy 10112, Retirement Medical Trust Fund](#)

[Policy 10122-1, Flexible Benefit Plan](#)

## VII. SICK LEAVE

**A. Use:** Sick leave is granted to regular employees and may be used for:

- Physical or mental illness.
- Injury; pregnancy.
- Medical, optical and dental appointments during working hours.
- Bereavement due to the death of an immediate family member.

Sick leave is intended to be used for illnesses that affect the employee's ability to perform their duties or to attend medical appointments. Sick leave may also be used because the employee's presence is needed to attend to an illness, injury, or medical, optical, and dental appointment of the employee's immediate family.

Sick leave is not intended to be used for taking time off, to be an earned right to time off from work, or for the convenience of resting for the day. Supervisors are responsible for ensuring employees use sick leave for its intended purpose.

**B. Sick Leave Accrual:** Employees in regular full-time positions accrue 96 hours of sick leave per year. Employees in regular part-time positions accrue sick leave at a pro rated amount. There is no limit on sick leave accumulation. Sick leave accrues from first day of hire and is available for immediate use for valid reasons as identified in par. VII.A.

### C. Unused Sick Leave

1. **Converting Unused Sick Leave to Vacation:** Employees who have accrued in excess of 500 hours of sick leave may convert the unused portion of sick leave in excess of 500 hours to vacation leave, on the basis of 50 percent, that is, two hours of sick leave for one hour of vacation leave.
2. **Payout of Unused Sick Leave Upon Retirement, Separation, or Death:** ~~After ten years of continuous service and upon retirement, death, or separation, the employee or the estate of a deceased employee will be paid for 50 percent of unused sick leave to a maximum of 500 hours of pay at the current hourly rate. Refer to Policy 10112.~~

---

### XVIII. REVISION HISTORY

Revision No.	Revisions	Adopted
8	Par. III: Added Policy 10112, Retirement Medical Trust Fund Par. VII.C.2: Revised to refer to Policy 10112, Retirement Medical Trust Fund – payout of unused sick leave upon retirement, separation, or death is now in Policy 10112.	



- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority  
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

## *Minute Action*

AGENDA ITEM: 6

**Date:** July 18, 2007

**Subject:** Approval of lease for Copier/Printer Equipment

**Recommendation:** \* 1. Approve Purchase Order No. 08086 with Xerox Corporation for a five-year lease of equipment in the amount of \$196,198 (\$39,240 annually) as specified in the Financial Impact section below.

**Background:** On January 7, 2004, the Board approved Purchase Order No. 0457 for the lease of copiers/printers for a term of five years. This item seeks to approve a renegotiated Purchase Order No. 08086 for lease of four new pieces of equipment reducing current lease rates.

SANBAG staff has negotiated the recommended purchase order with Xerox Corporation, which is on the San Bernardino County approved vendor list. This purchase order will upgrade two existing full-sized copier/printers and eliminate a third full-sized copier. It will also provide two desktop copier/printers to replace existing aged printers. The contract provides for full maintenance of all equipment for the term of the contract. The new purchase order will provide newer, more functional equipment at a reduced cost to SANBAG.

\*

*Approved  
Administrative Committee*

*Date:* \_\_\_\_\_

*Moved:* \_\_\_\_\_ *Second:* \_\_\_\_\_

*In Favor:* \_\_\_\_\_ *Opposed:* \_\_\_\_\_ *Abstained:* \_\_\_\_\_

*Witnessed:* \_\_\_\_\_

**Financial Impact:** The full cost of this purchase order is \$196,198. The annual cost of \$39,240 is consistent with the adopted budget, ISF08 Indirect Allocation. Although the funding for this lease is by Indirect allocation, individual copy jobs are assigned to budget tasks, with budget transfers for actual copier costs allocated quarterly.

The cost to SANBAG under the new purchase order results in a \$306 monthly savings over the existing lease, and an \$18,336 savings over the five year term, based on historic usage rates.

**Reviewed By:** This item is scheduled for review by the Administrative Committee on July 18, 2007. The proposed purchase order will be submitted to SANBAG Counsel for review.

**Responsible Staff:** Deborah Robinson Barmack  
Director of Management Services

**PURCHASE ORDER REQUEST**

**NOTE:** Do not use a purchase order for construction projects, roadwork, purchase or lease of real property, and employment contracts.

**Short Description of PO** to be included in monthly procurement report.  
(Required) Use up to a maximum of 27 characters to provide a short description.

Lease of new equipment

**VENDOR:** Xerox

**Vendor ID** Xerox

**ADDRESS:** Hospitality Lane

San Bernardino, CA

**PHONE:**

☐ **Process payment from this PO Request – invoice is attached.**

**PO End Date (required):** 08/2012

**PO # (if released for RFP/RFQ):**

Item Description	Order Qty	Task #	Cost Code	Amount
WC7655 Color Copier	1	ISF07		\$ 66,776
4110 Copier	1	ISF07		\$ 115,902
4150	2	ISF07		\$ 13,519
				\$
				\$
				\$
Shipping/Handling				\$
<b>TOTAL</b>				<b>\$ 196,198</b>

Attach any special instructions that are to be noted on the purchase order.

**Please answer the following questions regarding the selection process:**

Was the County Pre-Approved Vendor List used? ☐ No ☒ Yes

Was an informal competitive bid process done? ☒ No ☐ Yes -- complete Informal Bid Process Form (Page 2).

Is this a sole source purchase order? ☒ No ☐ Yes - If so, why? \_\_\_\_\_

Requested By:	Date
P.O. Manager's Signature	Date
Approved by Task Manager (Signature)	
Filename: Agreements\PO _____	

**SANBAG Purchase Order No. 08086**

by and between

San Bernardino Associated Governments

and

Xerox Corporation

for

Lease of Printer/Copier Equipment

<b>FOR ACCOUNTING PURPOSES ONLY</b>				
<input checked="" type="checkbox"/> Payable <input type="checkbox"/> Receivable	Vendor Contract # _____ Vendor ID <u>Xerox</u>	Retention: <input type="checkbox"/> Yes _____ % <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Original <input type="checkbox"/> Amendment	
Notes:				
Original Contract:      \$ <u>196,198</u>  Contingency Amount:      \$ _____	Previous Amendments Total:      \$ _____ Previous Amendments Contingency Total:      \$ _____ Current Amendment:      \$ _____ Current Amendment Contingency:      \$ _____ Contingency Amount requires specific authorization by Task Manager prior to release.			
<b>Contract TOTAL →</b>				<b>\$ <u>196,198</u></b>
↓ Please include funding allocation for the original contract or the amendment.				
<u>Task</u>	<u>Cost Code</u>	<u>Funding Sources</u>	<u>Grant ID</u>	<u>Amounts</u>
<u>ISF08</u>	<u>5540</u>	<u>Indirect Allocation</u>	_____	\$ <u>\$196,198</u>
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
Original Board Approved Contract Date: <u>8/1/07</u> Contract Start: <u>8/1/07</u> Contract End: <u>7/31/12</u> New Amend. Approval (Board) Date: _____      Amend. Start: _____      Amend. End: _____				
<b>If this is a multi-year contract/amendment, please allocate budget authority among approved budget authority and future fiscal year(s)-unbudgeted obligations:</b>				
<b>Approved Budget Authority →</b>	Fiscal Year: <u>07/08</u> \$ <u>40,000</u>		<b>Future Fiscal Year(s) – Unbudgeted Obligation →</b>	\$ <u>156,198</u>
Is this consistent with the adopted budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, which Task includes budget authority? <u>ISF08</u> If no, has the budget amendment been submitted? <input type="checkbox"/> Yes <input type="checkbox"/> No				
<b>CONTRACT MANAGEMENT</b>				
<b>Please mark an "X" next to all that apply:</b>				
<input type="checkbox"/> Intergovernmental <input checked="" type="checkbox"/> Private <input type="checkbox"/> Non-Local <input type="checkbox"/> Local <input type="checkbox"/> Partly Local				
Disadvantaged Business Enterprise: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes _____ %				
Task Manager: <b>Terry McGuire</b>			Contract Manager: <b>Deborah Barmack</b>	

Task Manager Signature

Date

Contract Manager Signature

Date

*7/11/07*

Chief Financial Officer Signature

Date

Filename: PO08XC01-DRB

# Contract Cost Comparison

Location	Equipment	Base Charge	B/W Allowance	B/W Avg. Volume	Color Allowance	Color Avg. Volume	B/W Excess	Color Excess	Meter Cost	Printer Volume	Supply Cost	Total Monthly Cost
<b>CURRENT STATE : CURRENT 60 MONTH-FMV MONTH LEASE AGREEMENT</b>												
SANBAG - COPY ROOM	DC3535	591.94	CPC	6,000	N/A	N/A	0.0890	N/A	534.00	N/A	INCLUDED	1,125.94
SANBAG - COPY ROOM	2101ST	1511.87	CPC	57,000	N/A	N/A	0.0060	N/A	342.00	N/A	INCLUDED	1,853.87
SANBAG - COPY ROOM	WCP65H	475.75	CPC	20,000	N/A	N/A	0.0060	N/A	120.00	N/A	INCLUDED	595.75
									<b>996.00</b>	<b>TOTAL MONTHLY</b>		<b>3,575.56</b>

\$2,579.56

Location	Equipment	Base Charge	B/W Allowance	B/W Avg. Volume	Color Allowance	Color Avg. Volume	B/W Excess	Color Excess	Meter Cost	Printer Volume	Supply Cost	Total Monthly Cost
<b>PROPOSED SOLUTION : NEW 60 MONTH-FMV MONTH LEASE AGREEMENT</b>												
SANBAG - COPY ROOM	WC7655	578.94	CPC	6,000	N/A	N/A	0.0890	N/A	534.00	N/A	INCLUDED	\$1,112.94
SANBAG - COPY ROOM	4110	1589.70	CPC	57,000	N/A	N/A	0.0060	N/A	342.00	N/A	INCLUDED	\$1,931.70
									<b>\$876.00</b>	<b>NEW TOTAL MONTHLY</b>		<b>\$3,044.64</b>
											<b>New Monthly Savings</b>	<b>\$530.92</b>

Above Proposed Solution Includes Trade of: DC3535, 2101 & WCP55\*\*

Location	Equipment	Base Charge	B/W Allowance	B/W Avg. Volume	Color Allowance	Color Avg. Volume	B/W Excess	Color Excess	Meter Cost	Printer Volume	Supply Cost	Total Monthly Cost
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**PROPOSED SOLUTION : NEW 60 MONTH-FMV MONTH LEASE AGREEMENT**

SANBAG	WC4150	112.66	CPC	N/A	N/A	N/A	0.0099	N/A	N/A	N/A	INCLUDED	112.66
SANBAG	WC4150	112.66	CPC	N/A	N/A	N/A	0.0099	N/A	N/A	N/A	INCLUDED	112.66
<b>TOTAL MONTHLY \$225.32</b>												<b>\$225.32</b>

Location	Equipment	Total Purchase	B/W Allowance	B/W Avg. Volume	Color Allowance	Color Avg. Volume	B/W Excess	Color Excess	Meter Cost	Printer Volume	Supply Cost	Total Monthly Cost
----------	-----------	----------------	---------------	-----------------	-----------------	-------------------	------------	--------------	------------	----------------	-------------	--------------------

**PROPOSED SOLUTION : NEW CASH SALE - COST PER COPY AGREEMENT**

SANBAG	WC4150	3807.00	CPC	N/A	N/A	N/A	0.0139	N/A	N/A	N/A	INCLUDED	\$20.00
SANBAG	WC4150	3807.00	CPC	N/A	N/A	N/A	0.0139	N/A	N/A	N/A	INCLUDED	\$20.00
<b>TOTAL MONTHLY \$7,614.00</b>												<b>\$40.00</b>

\*\* Above Proposed Solution Includes Two Paper Trays and One Embedded Fax Line \*\*

Phillipa Riley  
(951) 536-0121  
July 6, 2007

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority  
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

## *Minute Action*

AGENDA ITEM: 7

**Date:** July 18, 2007

**Subject:** 2007/2008 Budget Amendments addressing SAFETEA-LU Fund Exchange with the Inland Valley Development Agency (IVDA)

**Recommendation:\*** Approve Amendments to the SANBAG 2007/2008 Budget increasing revenues and expenditures as follows:

1. Increase revenues and expenditures in Task 82408000, Cost Code 5554 in amount of \$3,206,937. Revenue Source is Measure I Valley Major Projects fund balance; and
2. Increase revenues and expenditures in Task 83808000, Cost Code 5011 in the amount of \$20,400,063. Revenue Source is Measure I Valley Major Projects fund balance.

**Background:** In June 2006, the SANBAG Board approved contract 06-072 with the Inland Valley Development Agency (IVDA). The substantive element of contract 06-072 is a "dollar for dollar" fund exchange of SAFETEA-LU Projects of National and Regional Significance (PNRS) funds allocated to the IVDA for Measure I Valley Major Projects funds designated to Interstate 215 Improvements. Both the agenda item contemplating the concept of the exchange as well as the agenda item approving the formal agreement is attached.

\*

*Approved*  
*Administrative Committee*

*Date:* \_\_\_\_\_

*Moved:*

*Second:*

*In Favor:*

*Opposed:*

*Abstained:*

*Witnessed:* \_\_\_\_\_

ADM0707a-dmk.doc  
83808000

ATTACHMENTS:

BRD0605J-DMK.DOC  
BRD0606J-DMK.DOC

When the item was presented to the Board in June 2006, the amount of funding available from the federal government was not available and it was acknowledged that future amendments of SANBAG Budgets would be necessary as the Federal Highway Administration (FHWA) obligated the federal funds to Interstate 215 construction. Earlier this month FHWA finalized the paperwork obligating \$23.607 million to construction of Interstate 215 Segment 3. Completing the federal funding obligation paperwork triggers the payment of Measure I Valley Major Project funds to the IVDA.

In anticipation of the obligation of the federal funds earlier this year, the IVDA initiated work on several eligible projects and in mid-March 2007 submitted an invoice to SANBAG for reimbursement. However, due to a delay at the federal level in completing the federal obligation paperwork, SANBAG was unable to make payment to IVDA. In an effort to, as quickly as possible, make payment to the IVDA for their initial expenditure of \$3,206,937, SANBAG performed an administrative budget amendment shifting budgeted Valley Measure I Major Projects funds from the SR 210 Construction task (TN 82408000) to the I-215 construction task (TN 83808000) which is the task funding the IVDA exchange. This action allowed SANBAG to make a payment of \$3,206,937 within one week of FHWA obligation of federal funds. The first budget amendment recommendation replenishes the SR 210 construction task.

The second budget amendment recommendation is more routine and simply increases both revenues and expenditures in the I-215 construction task (TN 83808000) in the amount of \$20,400,063 to fully fund SANBAG's current commitment to the IVDA now that FHWA has obligated \$23.607 million to the I-215 construction project. When combined, the two budget amendments, \$3,206,937 in TN 82408000 and \$20,400,063 in TN 83808000, fully fund SANBAG's current commitments under contract 06-072. Subsequent budgets may require budget amendments as the Federal Highway Administration obligates future SAFETEA-LU funds.

**Financial Impact:** This item does impact the adopted budget and requires the following 2007/08 Budget amendments:

1. Increase revenues and expenditures in Task 82408000, Cost Code 5554 in amount of \$3,206,937. Revenue Source is Measure I Valley Major Projects fund balance; and

ADM0707a-dmk  
83808000

ATTACHMENTS:

BRD0605J-DMK.DOC  
BRD0606J-DMK.DOC



2. Increase revenues and expenditures in Task 83808000, Cost Code 5011 in the amount of \$20,400,063. Revenue Source is Measure I Valley Major Projects fund balance

**Reviewed By:** This item will be reviewed by the Administrative Committee on July 18, 2007.

**Responsible Staff:** Darren Kettle, Director of Freeway Construction

ADM0707a-dmk  
83808000

ATTACHMENTS:

BRD0605J-DMK.DOC  
BRD0606J-DMK.DOC



- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

## *Minute Action*

AGENDA ITEM: 21



**Date:** May 3, 2006

**Subject:** Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy to Users (SAFETEA-LU) Fund Exchange with the Inland Valley Development Agency (IVDA)

**Recommendation:\*** Approve in concept “dollar for dollar” fund exchange of SAFETEA-LU High Priority Project funds distributed to the IVDA for Measure I Valley Major Projects funds designated to Interstate 215 Improvements and direct staff to draft a fund exchange agreement to be considered by the Board at June 2006 Board meeting.

**Background:** In August 2005 after a series of extensions, the United State Congress enacted and the President signed the successor Act to the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), the Act known as SAFETEA-LU. Included within SAFETEA-LU are a variety of categories of projects that received specific funding allocations, two of which are the Projects of Regional and National Significance and High Priority Projects. Congressman Jerry Lewis was successful in securing a total of \$75 million between these two categories for “Inland Empire Goods Movement Gateway” (IEGMG) project. The intent behind this project was to fund a variety of goods movement related project in the East Inland Valley including major freeway, freeway interchange, and regional arterial projects. Subsequent to SAFETEA-LU approval, Congressman Lewis corresponded with California Business, Transportation, and Housing Secretary Sunne Wright McPeak requesting the State distribute these funds consistent with congressional intent. Congressman Lewis’s letter is attachment “A” to this item.

The Lewis letter requests that \$36.5 million of the SAFETEA-LU funds be allocated to the IVDA for road, bridge and grade separation improvements around

**Approved Consent**

*Approved*  
*Board of Directors*

*Date: May 3, 2006*

*Moved: Yates*

*Second: Pomierski*

*In Favor: 23*

*Opposed: 0*

*Abstained: 0*

*Witnessed:*

*Anna Redera*

the former Norton Air Force Base. In an effort to accelerate the availability of funds for a short-term regional arterial project, the IVDA approached SANBAG requesting an exchange of \$1.5 million of federal funds for like amount of Measure I funds designated for I-215. As SANBAG staff was considering this request, staff involved with the TEA-21 reauthorization recalled that the I-215 project was also an eligible candidate project for funds from the IEGMG project. Since the I-215 was already a "federalized" project that must comply with federal requirements such as the National Environmental Policy Act (NEPA) and is an eligible project within the IEGMG it might be reasonable to consider a dollar for dollar exchange for the entire \$36.5 million or whatever the percentage amount that is made available over the life of SAFETEA-LU for Measure I funds. Furthermore a fund exchange will have no impact on the delivery schedule for the I-215 Widening Project.

Prior to any serious discussions on this concept and a recommendation to the SANBAG Board, IVDA Executive Director Don Rogers and SANBAG Executive Director Tony Grasso agreed that given Congressman Lewis' role in securing the federal funds for the IEGMG project, he should concur that the proposal would be consistent with his intent for the use of the funds. The two executive directors met with Congressman Lewis and members of his staff in mid March 2006 at which time he indicated support for the proposal. Subsequently, staff from the Congressman's office has advised the California office of the Federal Highway Administration, that should such a proposal become a formal action, the Congressman's office considers it consistent with his intent.

Following the meeting with Congressman Lewis, SANBAG requested IVDA formally request consideration of an exchange program that ensures a dollar for dollar exchange of federal funds for Measure I funds. A letter from IVDA Executive Director Don Rogers requesting the exchange program consistent with the discussions with Congressman Lewis is Attachment "B" to this item.

Should the SANBAG Board endorse the concept, staff and legal counsel from both agencies will draft an agreement that ensures that the fund exchange is a dollar for dollar exchange that would only transfer Measure I dollars to the IVDA at an identical rate that SANBAG is able to receive federal funds for the I-215 Widening project. The agreement would be presented directly to the SANBAG Board at the June 2006 Board meeting.

*Financial Impact:* This action has no impact on the 2005/06 FY Budget.

*Reviewed By:* This item was reviewed and unanimously recommended for approval by the Major Projects Committee on April 13, 2006.

*Responsible Staff:* Darren Kettle, Director of Freeway Construction

JERRY LEWIS  
41ST DISTRICT, CALIFORNIA

COMMITTEE:  
APPROPRIATIONS  
(CHAIRMAN)

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0541**

September 22, 2005

WASHINGTON OFFICE:  
ROOM 2112  
RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-0541  
202-225-5861  
DISTRICT OFFICE:  
1150 BROOKSIDE AVENUE  
SUITE J-4  
REDLANDS, CA 92372-8214  
909-822-9030  
909-762-8901  
1-800-223-1700  
(WITHIN CALIFORNIA)  
[www.house.gov/jerrylewis](http://www.house.gov/jerrylewis)

Secretary Sunne Wright McPeak  
Business, Transportation & Housing Agency  
980 9th Street, Suite 2450  
Sacramento, CA 95814-2719

Dear Secretary McPeak:

As you begin the process of distributing federal funds for transportation projects included in SAFETEA-LU, I write to you regarding the Inland Empire Goods Movement Gateway project.

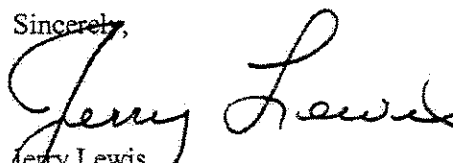
In SAFETEA-LU, I was pleased to secure \$55 million for the Inland Empire Goods Movement Gateway project under the Projects of National and Regional Significance category; as well as an additional \$20 million under Section 1701-High Priority Projects, for a total of \$75 million. As you may know, the Inland Valley Development Agency, the San Bernardino Associated Governments, and the cities of Highland and San Bernardino are implementing a regional effort to facilitate goods movement through the county, specifically in and around the former Norton Air Force Base. This project, called the Inland Empire Goods Movement Gateway, includes several transportation improvements that will greatly enhance mobility throughout the region and help speed the flow of commerce in the area.

In order to maximize the effectiveness of these funds, I respectfully request that you follow congressional intent by ensuring the funds are distributed in the following manner:

- \$30 million to the San Bernardino Associated Governments for the I-10/Tippecanoe Interchange
- \$1.5 million to the San Bernardino Associated Governments for the I-215/Barton Road Interchange
- \$36.5 million to the Inland Valley Development Agency for road, bridge, and grade separation improvements in and around the former base.
- \$2 million to the City of Highland, California for Boulder Avenue improvements and bridge widening
- \$5 million to the City of San Bernardino, California for the I-215/University Parkway Interchange

Thank you in advance for your attention to this important matter. Should you have any questions, please do not hesitate to contact me or Elizabeth Lewis, of my staff, at 202-225-5861.

Sincerely,

  
Jerry Lewis  
Member of Congress

JL:el

cc: Will Kempton, Director of California Department of Transportation

Mr. Tony Grasso

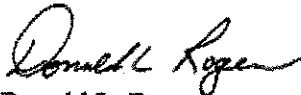
Page 2

March 20, 2006

The IVDA believes that this approach allows for SANBAG to assist in providing the early construction of arterial streets, roadways and bridge projects within the jurisdiction of a SANBAG member at an earlier time than otherwise could have been achieved utilizing the federal highway funds directly from the IVGMB. SANBAG deserves recognition for considering this creative approach to the funding of local projects.

Sincerely,

INLAND VALLEY DEVELOPMENT AGENCY



Donald L. Rogers  
Interim Executive Director

E:\WORDDOC\2006\Transition Mgmt\March\0031.Grasso 03.20.06.doc



## San Bernardino International Airport



March 20, 2006

Mr. Tony Grasso  
Executive Director  
SANBAG  
1170 West Third Street, Second Floor  
San Bernardino, California 92410

Dear Mr. Grasso:

This letter is the formal request from the Inland Valley Development Agency (IVDA) to SANBAG to consider the exchange of certain transportation funds as set forth herein.

The IVDA has access to \$36.5M of federal highway funds that were appropriated for local use in the SAFETEA-LU bill as adopted by Congress last year. The \$36.5M amount is considered a part of the overall Inland Valley Goods Movement Bill (IVGMB) which included federal highway funds for other local projects in addition to those of the IVDA.

Our proposal is that the SANBAG Board approve an exchange of funds with the IVDA whereby the IVDA makes available for SANBAG use the full amount of the \$36.5M of the IVGMB and SANBAG makes available to the IVDA current Measure "T" funds for use directly by the IVDA for arterial and other bridge and roadway projects of the IVDA that otherwise were intended to be funded by the IVDA from the IVGMB funds. The IVDA recognizes that either SANBAG or the IVDA would likely receive only 85% of the \$36.5M of the IVGMB funds. Whatever percentage of the \$36.5M that SANBAG is eventually able to receive in each federal fiscal year during the term of the current federal highway transportation bill will be the same percentage of the \$36.5M figure that the IVDA will receive from Measure "T" funds for that same period of time.

I am personally pleased that both you and I had the opportunity last week during our visit to Washington, D.C., to discuss this matter with our federal lobbyists and staff members of Chairman Lewis' Congressional Office. We can both report to our respective agencies that all parties with whom we discussed this issue were supportive of our joint efforts to expedite roadway construction in the vicinity of the former Norton AFB.

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority  
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

*Minute Action*

**SUPPLEMENTAL AGENDA ITEM: 27A**

 **COPY**

**Date:** June 7, 2006

**Subject:** Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy to Users (SAFETEA-LU) Fund Exchange with the Inland Valley Development Agency (IVDA)

**Recommendation:\*** Approve Agreement 06-072 establishing a “dollar for dollar” fund exchange of SAFETEA-LU High Priority Project funds distributed to the IVDA for Measure I Valley Major Projects funds.

**Background:** The Board, at the May 2006 meeting, approved the concept of a dollar for dollar fund exchange of SAFETEA-LU High Priority Project funds distributed to the IVDA for Measure I Major Projects funds and directed staff to return to the Board at the June 2006 meeting with a final agreement. The staff and legal counsel for both agencies have finalized the agreement consistent with the concept approved by the SANBAG Board which is herewith attached for Board consideration.

**Financial Impact:** This action has no impact on the FY 2005/06 Budget. The FY 2006/07 Budget and subsequent budgets will require a budget amendment at such time the Federal Highway Administration makes available the SAFETEA-LU funds.

**Reviewed By:** The Board of Directors on May 3, 2006 considered and unanimously approved this fund exchange concept. SANBAG Counsel has reviewed and approved the attached agreement.

**Responsible Staff:** Darren Kettle, Director of Freeway Construction

*Approved*  
*Board of Directors*

*Date: June 7, 2006*

*Moved: Christman*

*Second: Gonzales*

*In Favor: 27*

*Opposed: 0*

*Abstained: 0*

*Witnessed:*



**SANBAG Contract No. 06-072**

by and between

the San Bernardino County Transportation Authority

and

the Inland Valley Development Agency

for

Fund Exchange of Measure I Funds for SAFETEA-LU Funds

**FOR ACCOUNTING PURPOSES ONLY**

<input checked="" type="checkbox"/> Payable	Vendor Contract # _____	Retention: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Original
<input checked="" type="checkbox"/> Receivable			<input type="checkbox"/> Amendment

Notes:

Original Contract: \$ <u>est.\$30-35M</u>	Previous Amendments Total: \$ _____
	Previous Amendments Contingency Total: \$ _____
Contingency Amount: \$ _____	Current Amendment: \$ _____
	Current Amendment Contingency: \$ _____

Contingency Amount requires specific authorization by Task Manager prior to release.

**Contract TOTAL →** \$ \_\_\_\_\_

Please include funding allocation for the original contract or the amendment

Task	Cost Code	Funding Sources	Amounts
1 <u>0625300</u>	_____	1 <u>MIVMP</u>	\$ <u>est. \$30-35M</u>
2 _____	_____	2 _____	\$ _____
3 _____	_____	3 _____	\$ _____
4 _____	_____	4 _____	\$ _____

Original Board Approved Contract Date: 6/07/06 Contract Start: \_\_\_\_\_ Contract End: \_\_\_\_\_

New Amend. Approval (Board) Date: \_\_\_\_\_ Amend. Start: \_\_\_\_\_ Amend. End: \_\_\_\_\_

**If this is a multi-year contract/amendment, please allocate costs among fiscal years:**

Fiscal Year: _____	Fiscal Year: _____	Fiscal Year: _____
\$ _____	\$ _____	\$ _____

Is this consistent with the adopted budget? ☒ Yes ☐ No

If no, has the budget amendment been submitted? ☐ Yes ☐ No

**CONTRACT MANAGEMENT**

**Please mark an "X" next to all that apply:**

☒ Intergovernmental    ☐ Private    ☐ Non-Local    ☐ Local    ☐ Partly Local

Disadvantaged Business Enterprise: ☒ No    ☐ Yes \_\_\_\_\_%

Task Manager: **Darren Kettle**

Contract Manager: \_\_\_\_\_

Task Manager Signature

Date

Contract Manager Signature

Date

Chief Financial Officer Signature

Date



**CONTRACT NO. 06-072**

**AGREEMENT FOR FUNDING  
REGIONAL TRAFFIC IMPROVEMENTS BETWEEN  
THE SAN BERNARDINO ASSOCIATED GOVERNMENTS AND  
THE INLAND VALLEY DEVELOPMENT AGENCY**

This Agreement for Funding Regional Traffic Improvements (this "Agreement"), is effective as of June 7, 2006, and is entered into by and between the San Bernardino Associated Governments ("SANBAG"), and the Inland Valley Development Agency (the "IVDA").

**RECITALS**

WHEREAS, in August, 2005, the United States Congress enacted and the President signed the successor Act to the Transportation Equity Act for the 21<sup>st</sup> Century ("TEA-21"), which current Act is now known as SAFETEA-LU; and

WHEREAS, SAFETEA-LU includes a number of categories of projects that received specific funding allocations including projects of local interest which were categorized as Projects of Regional and National Significance and High Priority Projects; and

WHEREAS, Congress has designated \$75,000,000 for the Inland Valley Goods Movement Bill ("IVGMB") which includes funding for several projects located within the vicinity of the former NAFB which is being redeveloped by the IVDA, and the IVDA has the beneficial use of \$36,500,000 from the IVGMB for funding various transportation related projects in proximity to the former NAFB; and

WHEREAS, subsequent to the adoption of the SAFETEA-LU, Congressman Jerry Lewis corresponded with California Business, Transportation and Housing Secretary Sunne Wright McPeak requesting that the State of California distribute these funds consistent with the Congressional intent as further provided in the letter from Congressman Lewis as attached hereto as Exhibit "A"; and

WHEREAS, the IVDA has the need for the immediate use of transportation funds to further its redevelopment efforts for the former NAFB and seeks to obtain current Measure "I" funds as an exchange of funds for the \$36,500,000 of the IVGMB funds in a like dollar amount all as further provided in this Agreement; and

WHEREAS, it is reasonable and of benefit to both the IVDA and SANBAG, and for the benefit of the residents and businesses within the City of San Bernardino ("City") and the region of which the City is a part, to provide for the exchange of transportation funds as requested by the IVDA and as further provided in this Agreement.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND CONDITIONS AS CONTAINED HEREIN, THE PARTIES TO THIS AGREEMENT DO HEREBY AGREE, AS FOLLOWS:

**Section 1. Parties to this Agreement.**

SANBAG has been formed pursuant to applicable California law as a joint powers authority to act as a transportation agency, including the San Bernardino County Transportation Commission and the San Bernardino County Transportation Authority, as established by the County of San Bernardino and the municipalities within the County of San Bernardino as members thereof.

The IVDA is a joint powers authority established by the County of San Bernardino, the City of Colton, the City of Loma Linda and the City of San Bernardino in furtherance of the reuse and redevelopment of the former NAFB which is located within the boundaries of the City.

SANBAG and the IVDA are collectively referred to herein sometimes as the "Parties" to this Agreement.

**Section 2. Inland Valley Goods Movement Bill.**

The Inland East Valley has obtained certain ear-marked funds as approved by Congress in August, 2005, as part of HR 3 the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy to Users (became Public Law No: 109-59; the "SAFETEA-LU") in a dollar amount totaling \$75,000,000 of which a portion thereof has been considered to be the IVGMB which grant funds shall be used by the IVDA in accordance with the letter as attached hereto as Exhibit "A" which clarifies the intent of the 2005 Transportation Bill for the use of \$36,500,000 of grant funds for certain transportation projects of the IVDA.

**Section 3. SANBAG Available Funds.**

SANBAG currently has existing Measure "I" funds that are designated for expenditure for the widening of the I-215 Freeway from Orange Show Road to the State Route 30 Freeway and for the reconfiguration of interchanges all within the City. SANBAG seeks to accommodate the written request of the IVDA to exchange and substitute the amount of funds that would be received by the IVDA from the \$36,500,000 of the IVGMB for a like dollar amount of existing Measure "I" funds to thus allow the IVDA to undertake the projects listed on the attached Exhibit "B" subject to the provisions and further qualifications and limitations as set forth in Section 4 hereof.

**Section 4. Limitations on Payment of Existing Measure "I" Funds to IVDA.**

(a) The IVDA recognizes that pursuant to the SAFETEA-LU Act, twenty percent (20%) of the total amount of funds available pursuant to the IVGMB would have been available for use by the IVDA during each federal fiscal year (the "Annual Available Grant Amount"). The parties are of the belief that the date of this Agreement is within the second (2<sup>nd</sup>) federal fiscal year of the IVGMB and as such, the IVDA would have been entitled to receive on or before September 30, 2006, an amount equal to two (2) multiplied by the Annual Available

Grant Amount and, then annually thereafter, an amount equal to the Annual Available Grant Amount through and including the fifth (5<sup>th</sup>) federal fiscal year of the IVGMB.

(b) The IVDA further recognizes that each Annual Available Grant Amount is subject to a reduction by the federal government by a certain percentage amount that will vary from federal fiscal year to federal fiscal year dependent upon factors that are outside the control or influence of either the IVDA or SANBAG. The Parties are of the belief that the percentage amount to be distributed as a reimbursement for expenses for each of the first two (2) Annual Available Grant Amounts (the "Actual Grant Reimbursement Amount") is equal to 85% to 87% of the Annual Available Grant Amount. Furthermore, the Actual Grant Reimbursement Amount will likely vary in subsequent federal fiscal years during which the IVGMB would otherwise have provided 2005 SAFETEA-LU Act funds for local projects of the IVDA.

(c) SANBAG shall have no obligation to disburse any amount of the existing Measure "I" funds to the IVDA pursuant to this Agreement until after the date during each federal fiscal year when SANBAG has been informed through an official notification (FHWA Form E 76) as to the exact amount of the Actual Grant Reimbursement Amount as is then available for reimbursement to SANBAG for incurred expenses for the I-215 project in each federal fiscal year. Upon receipt by SANBAG of such official notification of the Actual Grant Reimbursement Amount then available for reimbursement to SANBAG, SANBAG shall within ten (10) business days thereafter, disburse a like amount to the IVDA from the existing Measure "I" funds. SANBAG shall disburse the dollar amount of the existing Measure "I" funds as required pursuant to this Agreement to the IVDA in a single lump sum annual payment.

**Section 5. Procedures and Policies for Use of Measure "I" Funds on IVDA Projects.**

(a) The IVDA may use and apply the Measure "I" funds as received during each federal fiscal year pursuant to Section 4(c) above for the payment or reimbursement of engineering, acquisition of materials and supplies and the actual labor costs associated with the planning, design, environmental work, right-of-way acquisition, environmental and habitat mitigation, project and construction management, and construction of the arterial streets, highways and bridge projects as set forth on Exhibit "B", which the IVDA may amend at its sole discretion from time-to-time upon delivery of written notice to such effect to SANBAG. The projects listed in Exhibit "B" are not SANBAG projects and SANBAG shall not incur any financial or performance responsibility for those projects as a result of this Agreement. The IVDA shall follow all procedures applicable to the IVDA pursuant to the Government Code and the Public Contract Code for the public bidding and award of the construction contract to the lowest responsible bidder, and shall follow all procedures so applicable for the payment of prevailing wages pursuant to Section 1773 of the Labor Code.

(b) The IVDA shall include within the annual audit of the IVDA a description of the sources and uses of the Measure "I" funds to demonstrate to the reasonable satisfaction of SANBAG that the Measure "I" funds have been used and applied in accordance with this Agreement. Such annual audit of the IVDA shall be delivered to SANBAG as soon as

practicable after such audit has been prepared and certified by the certified public accounting firm retained by the IVDA to conduct the annual IVDA financial audit.

(c) The Measure "I" funds distributed to the IVDA shall not require a matching amount from any other funding sources of the IVDA in connection with the use of the Measure "I" funds as received by the IVDA pursuant to this Agreement.

#### **Section 7. Default; Notice of Default.**

Failure or delay by a Party to perform any material term or provision of this Agreement shall constitute a default under this Agreement; provided, however, that if the defaulting Party commences to cure, correct or remedy the default within thirty (30) calendar days after receipt of written notice specifying such default and thereafter diligently completes such cure, correction or remedy, a breach of this Agreement shall not be deemed to have occurred. The Party claiming that a default has occurred shall give written notice of default to the defaulting Party, specifying the default and the details thereof. Delay in giving such notice shall not constitute a waiver of any default nor shall it change the time for which such default shall have occurred; provided, however, the nondefaulting Party shall have no right to exercise any remedy for a breach hereunder without delivering the written default notice as specified herein.

#### **Section 8. Failure to Cure; Remedies.**

In the event that the defaulting Party fails to commence to cure, correct or remedy a default within thirty (30) calendar days following written notice, as provided in Section 7 above, or thereafter fails diligently to complete such cure, correction or remedy, a breach of this Agreement shall be deemed to have occurred. In the event of a breach, the nondefaulting Party may (i) at its option, terminate this Agreement and/or (ii) seek any appropriate remedy or damages available at law or in equity. All court actions filed to seek any enforcement or interpretation of this Agreement must be filed solely in the Superior Court of the County of San Bernardino, Main Branch in the City of San Bernardino.

#### **Section 9. No Waiver by Failure or Delay; Cumulative Rights.**

(a) Any failure or delay by a Party in asserting any of its or their rights and remedies as to any default shall not operate as a waiver of any default or of any rights or remedies associated with a default.

(b) The rights and remedies of the Parties set forth in Sections 7, 8 and 9 are cumulative and the exercise by any Party of one or more of such rights or remedies shall not preclude the exercise by it or them, at the same or different times, of any other rights or remedies for the same default or any other default by the defaulting Party.

#### **Section 10. Enforceability of Agreement.**

This Agreement shall be deemed to be an enforceable agreement by and between the Parties hereto. Either of the Parties may bring such legal or equitable action as may be permitted under the laws of the State of California to enforce any provision of this Agreement. The successful

Party in any such action to interpret or enforce any provision hereof shall be entitled to receive from the Party against which enforcement is sought all costs associated with such successful actions including all legal fees, costs and other expenses.

**Section 11. Notices.**

All notices to be given under this Agreement shall be in writing and shall be delivered personally, by Federal Express or other similar overnight courier or express delivery service or by certified or registered United States Mail, return receipt requested. All notices shall be given to the addresses of the Parties and the City as set forth herein. Unless specifically provided to the contrary in this Agreement, any notice pursuant to this Agreement shall be effective upon delivery or refusal to accept delivery, if delivered personally, one (1) calendar day after deposit with Federal Express or other like overnight courier or express delivery service, and two (2) calendar days after mailing, if delivered by certified or registered United States Mail.

Notices to the IVDA sent be sent to the following address:

Inland Valley Development Agency  
294 S. Leland Norton Way  
San Bernardino, California 92408  
Attention: Executive Director

with a copy to:

Lewis Brisbois Bisgaard & Smith LLP  
650 East Hospitality Lane, Suite 600  
San Bernardino, California 92408  
Attention: Timothy J. Sabo

Notices to the SANBAG shall be sent to the following address:

SANBAG  
1170 West Third Street, Second Floor  
San Bernardino, California 92401  
Attention: Executive Director

**Section 12. Entire Agreement.**

This Agreement between the IVDA and SANBAG represents the sole agreements of the Parties regarding the matters addressed herein that exist as of the date hereof.

**Section 13. Governing Law; Invalidity of Any Provision of Agreement.**

This Agreement shall be governed by the laws of the State of California. If any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable as between the parties, the remaining provisions will continue in full force and effect.

**Section 14. Amendments.**

Except as otherwise provided in Section 5(a) with respect to modifications and changes to Exhibit "B", this Agreement may only be amended, changed, modified or altered by a writing signed by both of the Parties and approved by the respective governing boards thereof in the manner as required by applicable law.

**Section 15. Execution of Agreement.**

This Agreement may be executed in counterparts, and facsimile signatures shall be as effective as original signatures. Upon the execution hereof by the appropriate representative of both of the Parties, this Agreement shall be deemed to have been approved by the governing bodies of both of the Parties in accordance with all applicable provisions of State law.

**SAN BERNARDINO ASSOCIATED  
GOVERNMENTS**

Dated: 9-20-06

By: [Signature]  
Secretary

By: [Signature]  
President

Approved as to Form:

By: [Signature]  
SANBAG Counsel

**INLAND VALLEY DEVELOPMENT  
AGENCY**

Dated: 9-27-06

By: [Signature]  
Co-Chairperson

Dated: 9-27-06

By: [Signature]  
Co-Chairperson

By: [Signature]  
Secretary Clerk of the Board

Approved as to Form:

By: [Signature]  
General Counsel

Exhibit "A"  
Letter Setting Forth Use of IVGMB Funds

JERRY LEWIS  
41ST DISTRICT, CALIFORNIA

COMMITTEE:  
APPROPRIATIONS  
(CHAIRMAN)

Congress of the United States  
House of Representatives  
Washington, DC 20515-0541

September 22, 2005

WASHINGTON OFFICE:  
ROOM 2112  
RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-0541  
202-225-5861  
DISTRICT OFFICE:  
1150 BROOKSIDE AVENUE  
SUITE J-4  
REDLANDS, CA 92373-6314  
909-862-8030  
909-762-8901  
1-800-253-1799  
(NORTH CALIFORNIA)  
[www.house.gov/jerrylewis](http://www.house.gov/jerrylewis)

Secretary Sunne Wright McPeak  
Business, Transportation & Housing Agency  
980 9th Street, Suite 2450  
Sacramento, CA 95814-2719

Dear Secretary McPeak:

As you begin the process of distributing federal funds for transportation projects included in SAFETEA-LU, I write to you regarding the Inland Empire Goods Movement Gateway project.

In SAFETEA-LU, I was pleased to secure \$55 million for the Inland Empire Goods Movement Gateway project under the Projects of National and Regional Significance category; as well as an additional \$20 million under Section 1701-High Priority Projects, for a total of \$75 million. As you may know, the Inland Valley Development Agency, the San Bernardino Associated Governments, and the cities of Highland and San Bernardino are implementing a regional effort to facilitate goods movement through the county, specifically in and around the former Norton Air Force Base. This project, called the Inland Empire Goods Movement Gateway, includes several transportation improvements that will greatly enhance mobility throughout the region and help speed the flow of commerce in the area.

In order to maximize the effectiveness of these funds, I respectfully request that you follow congressional intent by ensuring the funds are distributed in the following manner:

- \$30 million to the San Bernardino Associated Governments for the I-10/Tippecanoe Interchange
- \$1.5 million to the San Bernardino Associated Governments for the I-215/Barton Road Interchange
- \$36.5 million to the Inland Valley Development Agency for road, bridge, and grade separation improvements in and around the former base.
- \$2 million to the City of Highland, California for Boulder Avenue improvements and bridge widening
- \$5 million to the City of San Bernardino, California for the I-215/University Parkway Interchange

Thank you in advance for your attention to this important matter. Should you have any questions, please do not hesitate to contact me or Elizabeth Lewis, of my staff, at 202-225-5861.

Sincerely,

  
Jerry Lewis  
Member of Congress

JL:el

cc: Will Kempton, Director of California Department of Transportation



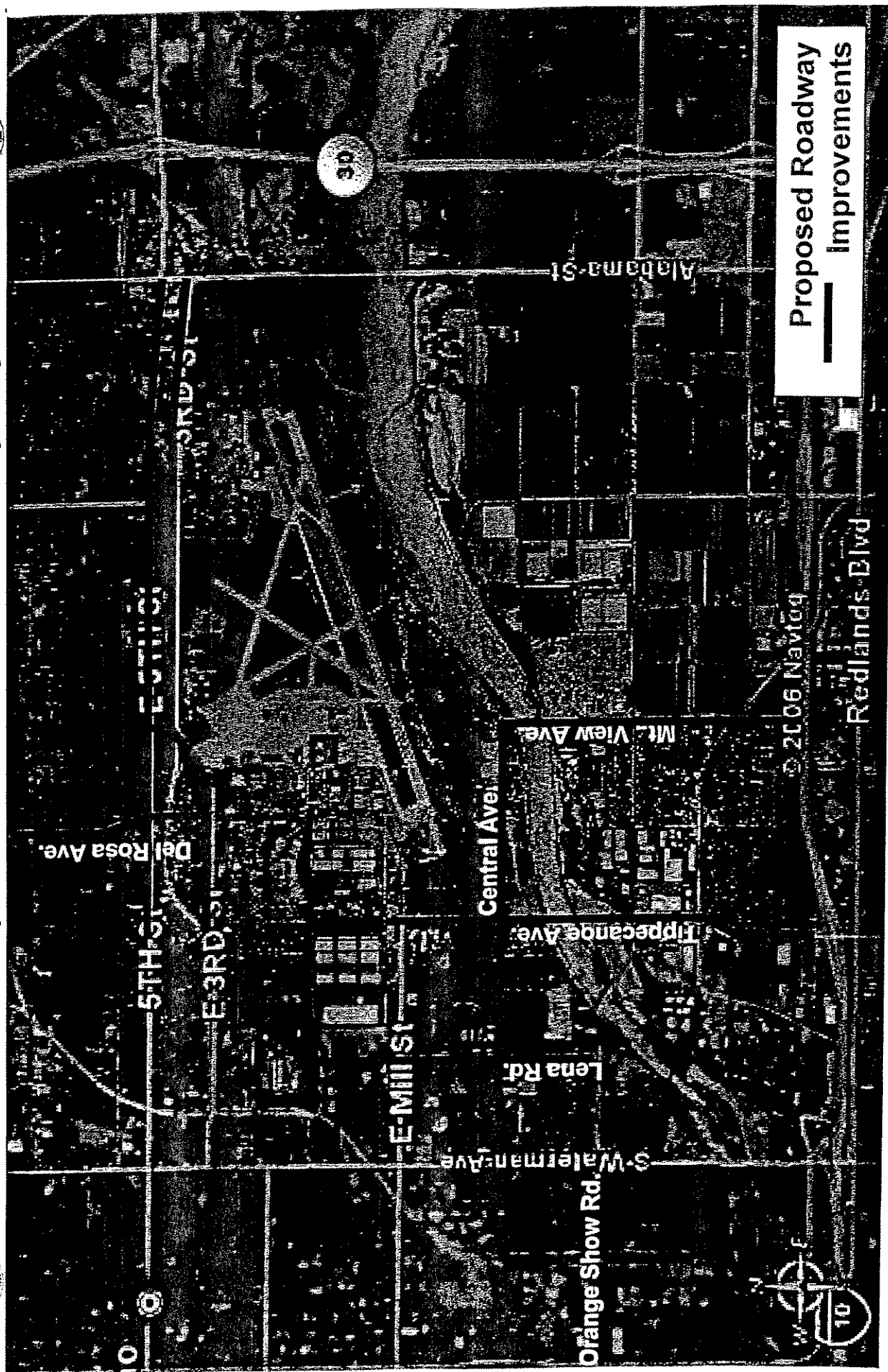
Exhibit "B"  
Description of Arterial Streets, Highways and Bridge Projects  
Intended to be Undertaken by the IVDA with the Measure "T" Funds

Inland Valley Development Agency  
San Bernardino International Airport Authority  
Roadway Projects  
Listed by Priority  
Updated September 22, 2005

Project Lead Agency	Priority	PROJECT DESCRIPTION	Total Est Cost of Project	Proposed Allocation
IVDA	1	Central Ave- Widen Central from Waterman to Tippecanoe Widen Central from Tippecanoe to Mt. View Bridge	\$ 3,500,000 \$ 2,000,000	\$ 5,500,000 \$ 4,400,000
IVDA	2	Mt. View- Widen Mt. View Ave at RR Grade crossing from 2 to 4 lanes Widen Mt. View Bridge at Mission Creek from 2 to 4 lanes Widen Mt. View Ave from I-10 to San Bernardino Ave, 2 to 4 lanes Widen Mt. View from Riverview Dr to Central from 0 to 2 lanes(bridge)	\$ 240,000 \$ 1,152,000 \$ 1,200,000 \$ 6,912,000	\$ 7,603,200
IVDA	3	Tippecanoe- Widen Tippecanoe from Mill to Harriman from 4 lanes to 6 lanes	\$ 3,200,000	\$ 2,560,000
	4	Lena Road- Widen Lena Rd from Mill to Orange Show Rd from 0 to 4 lanes (new road)	\$ 6,400,000	\$ 5,120,000
	5	3rd/5th St- Widening and circulation network improvements on 3rd and 5th Streets from Tippecanoe to Palm	\$ 27,300,000	\$ 16,016,800
IVDA	6	Del Rosa- Widen Del Rosa from 3rd to Highland Avenue (incl. land acquisition)	\$ 1,000,000	\$ 800,000
IVDA Total - Arterial Roadways			\$ 52,904,000	\$ 36,500,000



# Inland Empire Goods Movement Gateway Project



- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority  
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

## *Minute Action*

AGENDA ITEM: 8

**Date:** July 18, 2007

**Subject:** Population Estimate used to determine the Apportionment of Local Transportation Funds (LTF)

**Recommendation:**\* Beginning with Fiscal Year 2008/2009, either

1. Continue the use of the January State Controller's Population Estimate for the Apportionment of the LTF; or
2. Use the prior year January Department of Finance Population Estimate for the Apportionment of the LTF; and/or
3. Update the LTF Apportionment adopted using either the State Controller's January Population Estimate or prior year Department of Finance January Population Estimate with current year Department of Finance January Population Estimate when it becomes available.

**Background:** During the June Board discussion of the revised LTF apportionments for Fiscal Years 2006/2007 and 2007/2008, a question was raised regarding the use of the State Controller's January Population Estimate for the distribution of the January Motor Vehicle License Fees - In Lieu Tax and Motor Vehicle Off-Highway Monthly Apportionment.

\*

*Approved*  
*Administrative Committee*

*Date:* \_\_\_\_\_

*Moved:*

*Second:*

*In Favor:*

*Opposed:*

*Abstained:*

*Witnessed:* \_\_\_\_\_

Pursuant to Section 99213 of the California Public Utilities Code, the County Transportation Commission may rely on the population estimates which are used by the Controller for distributing money to cities under Section 2107 of the Streets and Highway Code and to counties under Section 11005 of the Revenue and Taxation Code, and may contract with the Department of Finance or other appropriate state agency for an annual determination of those population estimates. Since 1977, the LTF Apportionments for San Bernardino County have been based on the January State Controller's Population Estimate.

In March 1992, the option to use either the State Controller's or the Department of Finance Population Estimate for determining the LTF apportionments was presented to the Board. At that time the major difference between the two estimates was how the population for newly incorporated cities and towns was determined. The State Controller's population for a newly incorporated city or town was based on three times the registered voters residing within the new city or town. The Department of Finance would use an estimate based on housing unit data, driver's license address changes, and other indicators. The Board unanimously approved continuing the use of the State Controller's Population Estimate.

Under the present statute, the State Controller's Population Estimate is based on the Department of Finance, Demographic Research Unit provided pursuant to Section 11005(b) of the Revenue and Tax Code. Under Section 11005(c) of the Revenue and Tax Code, for any new city or town incorporated from unincorporated territory on after August 5, 2004 and before July 1, 2009, the Controller shall determine the population of the city or town as follows:

1. For its first 12 months, 150 percent of the actual population.
2. For its 13<sup>th</sup> through 24<sup>th</sup> month, 140 percent of the actual population
3. For its 25<sup>th</sup> through 36<sup>th</sup> month, 130 percent of the actual population
4. For its 37<sup>th</sup> through 48<sup>th</sup> month, 120 percent of the actual population
5. For it 49<sup>th</sup> through 60<sup>th</sup> month, 110 percent of the actual population
6. After its 60<sup>th</sup> month, the actual population.

"Actual population" means the population determined by the last federal decennial or special census, or a subsequent census validated by the Demographic Research Unit of the Department of Finance or subsequent estimate prepared pursuant to Section 2107.2 of the Streets and Highway Code.

Under Section 11005(d) of the Revenue and Tax Code, in the case of a city or town that is incorporated from unincorporated territory on or after July 1, 2009, the population shall be its actual population.

There is also a timing difference between the two population estimates. The Commission is able to obtain the State Controller's Population Estimate in early January, whereas the Department of Finance Population Estimate becomes available in April. Because of the timing difference, the State Controller's January Population Estimate is based on the prior year Department of Finance Population Estimate for the total county population and all but the most recently incorporated jurisdictions. The use of the State Controller's Population Estimate also meets the timing requirement that the Commission notify all prospective claimants of the amounts of all area apportionments for the following fiscal year prior to March 1 (California Code of Regulations 6644). The Commission typically adopts the next year LTF apportionment in February.

The Commission could adopt an apportionment in February using either the State Controller's January Population Estimate or the Department of Finance prior year Population Estimate and revise that estimate prior to the beginning of the fiscal year when the new January estimate is made available in April. Attachment A reflects how the Fiscal Year 2007/2008 LTF Apportionments would change had they been determined with the updated Department of Finance January 2007 Population Estimate.

Perhaps the most significant impact of attempting to update the apportionment after the February Board action is on the transit systems. Under ideal circumstances, we would expect each transit agency to complete their budget by April 1<sup>st</sup> of each year. The LTF provides the majority of funds for operating purposes for all of the operators and any significant reduction that resulted from an updated apportionment would result in a level of uncertainty that does not exist today.

At this month's meeting the Board adopted Resolution 08-001, authorizing the allocation of LTF and STAF for Fiscal Year 2007/2008. With the adoption of the Resolution, the Commission has issued allocation instructions for the disbursement of LTF for administrative, planning and commuter rail purposes. In July the Board also approved interim allocations of operating funds to several of the transit operators. Pursuant to Section 6655.5 of the California Code of Regulations, the Commission may, at any time before the conveyance of initial allocation instructions, issue a revised determination of apportionments based on a revised determination of population. Therefore, the Board's decision as to

which population source to use would apply to the Fiscal Year 2008/2009 LTF apportionment.

***Financial Impact:*** This item has no impact on the adopted budget. The cost associated with the administration of the LTF and State Transit Assistance Fund is contained in Task 50208000 – TDA Administration. The funding source is LTF-Administration.

***Reviewed By:*** This item is scheduled for review by the Administrative Committee on July 18, 2007.

***Responsible Staff:*** Michael Bair, Director of Transit and Rail Programs

(Attachment A)

San Bernardino County Local Transportation Fund  
Fiscal Year 2007/2008  
May, 2007 Revised Apportionment

USING DEPARTMENT OF FINANCE 1/07 POPULATION

Apportionment Area	Population	Percentage	APPORTIONMENT	DIFFERENCE	% Change
Valley	1,480,347	72.9949%	\$56,252,729	(\$394,928)	-0.70%
Adelanto	27,139	1.3382%	\$1,031,274	\$68,666	6.66%
Apple Valley	70,297	3.4663%	\$2,671,264	\$59,418	2.22%
Barstow	23,943	1.1806%	\$909,827	(\$3,219)	-0.35%
Big Bear Lake	6,207	0.3061%	\$235,864	(\$3,318)	-1.41%
Hesperia	85,876	4.2345%	\$3,263,261	\$157,692	4.83%
Needles	5,759	0.2840%	\$218,840	(\$958)	-0.44%
Twentynine Palms	24,830	1.2244%	\$943,532	(\$123,886)	-13.13%
Victorville	102,538	5.0561%	\$3,896,412	\$215,252	5.52%
Yucca Valley	21,044	1.0377%	\$799,666	\$5,089	0.64%
County - Unincorporated	180,033	8.8773%	\$6,841,198	\$20,190	0.30%
<b>Total</b>	<b>2,028,013</b>	<b>100.0000%</b>	<b>\$77,063,868</b>	<b>\$0</b>	<b>0.00%</b>



## SANBAG Acronym List

1 of 2

AB	Assembly Bill
ACE	Alameda Corridor East
ACT	Association for Commuter Transportation
ADA	Americans with Disabilities Act
APTA	American Public Transportation Association
AQMP	Air Quality Management Plan
ATMIS	Advanced Transportation Management Information Systems
BAT	Barstow Area Transit
CAC	Call Answering Center
CALACT	California Association for Coordination Transportation
CALCOG	California Association of Councils of Governments
CALSAFE	California Committee for Service Authorities for Freeway Emergencies
CALTRANS	California Department of Transportation
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CHP	California Highway Patrol
CMAQ	Congestion Mitigation and Air Quality
CMP	Congestion Management Program
CNG	Compressed Natural Gas
COG	Council of Governments
CSAC	California State Association of Counties
CTA	California Transit Association
CTAA	Community Transportation Association of America
CTC	California Transportation Commission
CTC	County Transportation Commission
CTP	Comprehensive Transportation Plan
DMO	Data Management Office
DOT	Department of Transportation
E&H	Elderly and Handicapped
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
EPA	United States Environmental Protection Agency
ETC	Employee Transportation Coordinator
FEIS	Final Environmental Impact Statement
FHWA	Federal Highway Administration
FSP	Freeway Service Patrol
FTA	Federal Transit Administration
FTIP	Federal Transportation Improvement Program
GFOA	Government Finance Officers Association
GIS	Geographic Information Systems
HOV	High-Occupancy Vehicle
ICMA	International City/County Management Association
ICTC	Interstate Clean Transportation Corridor
IEEP	Inland Empire Economic Partnership
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
IIP/ITIP	Interregional Transportation Improvement Program
ITS	Intelligent Transportation Systems
IVDA	Inland Valley Development Agency
JARC	Job Access Reverse Commute
LACMTA	Los Angeles County Metropolitan Transportation Authority
LNG	Liquefied Natural Gas
LTF	Local Transportation Funds
MAGLEV	Magnetic Levitation
MARTA	Mountain Area Regional Transportation Authority
MBTA	Morongo Basin Transit Authority
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
MIS	Major Investment Study
MOU	Memorandum of Understanding

## SANBAG Acronym List

2 of 2

MPO	Metropolitan Planning Organization
MSRC	Mobile Source Air Pollution Reduction Review Committee
MTP	Metropolitan Transportation Plan
NAT	Needles Area Transit
OA	Obligation Authority
OCTA	Orange County Transportation Authority
OWP	Overall Work Program
PA&ED	Project Approval and Environmental Document
PASTACC	Public and Specialized Transportation Advisory and Coordinating Council
PDT	Project Development Team
PPM	Planning, Programming and Monitoring Funds
PSR	Project Study Report
PTA	Public Transportation Account
PVEA	Petroleum Violation Escrow Account
RCTC	Riverside County Transportation Commission
RDA	Redevelopment Agency
RFP	Request for Proposal
RIP	Regional Improvement Program
ROD	Record of Decision
RTAC	Regional Transportation Agencies' Coalition
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
RTPA	Regional Transportation Planning Agencies
SB	Senate Bill
SAFE	Service Authority for Freeway Emergencies
SANBAG	San Bernardino Associated Governments
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCRRA	Southern California Regional Rail Authority
SED	Socioeconomic Data
SHA	State Highway Account
SHOPP	State Highway Operations and Protection Program
SOV	Single-Occupant Vehicle
SRTP	Short Range Transit Plan
STAF	State Transit Assistance Funds
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TAC	Technical Advisory Committee
TCM	Transportation Control Measure
TCRP	Traffic Congestion Relief Program
TDA	Transportation Development Act
TEA	Transportation Enhancement Activities
TEA-21	Transportation Equity Act for the 21 <sup>st</sup> Century
TIA	Traffic Impact Analysis
TMC	Transportation Management Center
TMEE	Traffic Management and Environmental Enhancement
TOC	Traffic Operations Center
TOPRS	Transit Operator Performance Reporting System
TSM	Transportation Systems Management
USFWS	United States Fish and Wildlife Service
UZAs	Urbanized Areas
VCTC	Ventura County Transportation Commission
VVTA	Victor Valley Transit Authority
WRCOG	Western Riverside Council of Governments

# ***San Bernardino Associated Governments***



## **MISSION STATEMENT**

To enhance the quality of life for all residents, San Bernardino Associated Governments (SANBAG) will:

- Improve cooperative regional planning
- Develop an accessible, efficient, multi-modal transportation system
- Strengthen economic development efforts
- Exert leadership in creative problem solving

To successfully accomplish this mission, SANBAG will foster enhanced relationships among all of its stakeholders while adding to the value of local governments.

Approved June 2, 1993  
Reaffirmed March 6, 1996